



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,724	02/25/2002	John Archer	577-526	3970

23869 7590 02/13/2003

HOFFMANN & BARON, LLP  
6900 JERICHO TURNPIKE  
SYOSSET, NY 11791

EXAMINER

PATEL, DHIRUBHAI R

ART UNIT	PAPER NUMBER
----------	--------------

2831

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

25

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/083,724	ARCHER ET AL.	
	Examiner	Art Unit	
	DHIRU R PATEL	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2831

### **Part III DETAILED ACTION**

#### ***Specification***

1. The disclosure is objected to because of the following informalities:

On page 7 line 31, change "figure 5 " to -- figure 6 --.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: in claim 18 lines 3-4, " a perimetrical side wall extending from said back wall" is not supported by the specification.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-17, 19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 7, " a second mounting axis" is not clear because a second mounting axis of what?. The examiner assumed a second mounting axis for a support frame.

In claim 11 line 9, " a third mounting axis" is not clear because a third mounting axis of what?.

The examiner assumed a third mounting axis for a support frame .

Art Unit: 2831

In claim 19 line 10, " a second axis" is not clear because a second mounting axis of what?.

The examiner assumed a second mounting axis for a support frame.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-7, 11-19 as best understood, are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Doherty (6,147,304).

Doherty discloses:

Art Unit: 2831

Regarding claim 1, a single gang electrical outlet box assembly (see fig 1) for accommodating a single electrical fixture and for supporting a communication fixture (see fig 1), said assembly comprising: a generally rectangular electrical box 10 (see fig 1) having a first side wall 18 spaced apart from a second side wall 17 (see fig 1), said first and second side walls defining a first mounting axis therebetween generally parallel to said side walls for mounting said electrical fixture (see fig 1); and a supporting structure 40 (see figs 1-2) extending from said first side wall (see fig 2) for accommodating a communication fixture, but fails to disclose a second mounting axis generally parallel to said first side wall; said first and second mounting axes being substantially equidistant from a centerline of said first side wall, with said first mounting axis being closer to said first side wall than said second side wall. Please note that Doherty (6,147,304) teaches the use of a mounting axis (axis for tab 24, see fig 1) in order to mount power outlet 80 (see column 8 lines 16-31). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the supporting structure 40 of the assembly of Doherty with mounting axis in order to mount additional power outlet. Please note that the modified assembly of Doherty meet the structural limitations for a second mounting axis generally parallel to said first side wall; and said first and second mounting axes being substantially equidistant from a centerline of said first side wall (see fig 2). With respect to said first mounting axis being closer to said first side wall than said second side wall, it would have been an obvious matter of design choice to use said first mounting axis being closer to said first side wall than said second side wall, since applicant has not disclosed said first

Art Unit: 2831

mounting axis being closer to said first side wall than said second side wall solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said first side wall and said second side wall of Doherty.

Regarding claim 2, the modified assembly of Doherty disclose all the features of the claimed invention as shown above, including said electrical box further comprises a back wall 19 extending between said first and second side walls (see fig 2).

Regarding claim 3, the modified assembly of Doherty disclose all the features of the claimed invention as shown above, including said electrical box further comprises a top wall 15 and a bottom wall 16 connecting said first and second side walls. (see fig 1).

Regarding claim 4, the modified assembly of Doherty disclose all the features of the claimed invention as shown above, including said back wall further includes access openings 21 adjacent said first and second side walls (see column 6 lines 50-53).

Regarding claim 5, the modified assembly of Doherty disclose all the features of the claimed invention as shown above, including said top and bottom walls further include mounting flanges on an exterior surface of said top and bottom walls (see fig 1).

Regarding claims 6-7, the modified assembly of Doherty disclose all the features of the claimed invention as shown above, including said electrical fixture is selected from the group consisting of switches and receptacles (please note that Doherty disclose that a means for facilitating the electrical components, see column 2 lines 64-67, column 3 lines 1-5) . It is noted that the modified assembly of Doherty meet the structural limitations.

Art Unit: 2831

Regarding claim 11, a generally rectangular electrical box 10 (see fig 1) having a first side wall 18 spaced apart from a second side wall 17 (see fig 1) for supporting said fixtures therebetween, said electrical box defining a first electrical fixture mounting axis adjacent said first side wall (see fig 1) and a support structure 40 external of said first side wall (see figs 1-2), but fails to disclose a second electrical fixture mounting axis adjacent said second side wall, each of said fixture mounting axes being generally parallel to said side walls; a third mounting axis generally parallel to said first side wall (see fig 1), said first and third mounting axis being substantially equidistant from a central line of said first side wall and said first mounting axis being closer to said first side wall than said second mounting axis is to said second side wall. Please note that Doherty (6,147,304) teaches the use of a mounting axis (axis for tab 24, see fig 1) in order to mount power outlet 80 (see column 8 lines 16-31). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the supporting structure 40 and a section 26 of the assembly of Doherty with a mounting axis (for structure 40 and section 26) in order to mount additional power outlets. Please note that the modified assembly of Doherty meet the structural limitations for a second electrical fixture mounting axis adjacent said second side wall, each of said fixture mounting axes being generally parallel to said side walls; a third mounting axis generally parallel to said first side wall, said first and third mounting axis being substantially equidistant from a central line of said first side wall.

With respect to said first mounting axis being closer to said first side wall than said second side wall, it would have been an obvious matter of design choice to use said first mounting

Art Unit: 2831

axis being closer to said first side wall than said second side wall, since applicant has not disclosed that said first mounting axis being closer to said first side wall than said second side wall solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said first side wall and said second side wall of Doherty.

Regarding claim 12, the modified assembly of Doherty disclose all the features of the claimed invention as shown above, including said electrical box further comprises a back wall 19 extending between said first and second side walls (see fig 1).

Regarding claim 13, the modified assembly of Doherty disclose all the features of the claimed invention as shown above, including said electrical box further comprises a top wall 15 and a bottom wall 16 connecting said first and second side walls. (see fig 1).

Regarding claim 14, the modified assembly of Doherty disclose all the features of the claimed invention as shown above, including said back wall further includes access openings 21 adjacent said first and second side walls (see column 6 lines 50-53).

Regarding claim 15, the modified assembly of Doherty disclose all the features of the claimed invention as shown above, including said top and bottom walls further include mounting flanges on an exterior surface of said top and bottom walls (see fig 1).

Regarding claims 16-17, the modified assembly of Doherty disclose all the features of the claimed invention as shown above, including said electrical fixture is selected from the group consisting of switches and receptacles (please note that Doherty disclose that a means for



Art Unit: 2831

facilitating the electrical components, see column 2 lines 64-67, column 3 lines 1-5) . It is noted that the modified assembly of Harold Doherty meet the structural limitations.

Regarding claim 18, a generally rectangular housing 10 having a back wall 19, a perimetrical side wall 17 extending from said back wall and an open front face defining a box interior for accommodating said fixture (see fig 1); said perimetrical wall including opposed top and bottom walls and opposed side walls (see fig 1); each of said top and bottom walls including mounting members 23,24 for securing said fixture to said housing (see fig 1), said mounting members being aligned along an axis generally parallel to said side walls (see fig 1), but fails to disclose said axis being closer to one of said side walls than to the other side wall. it would have been an obvious matter of design choice to use said axis being closer to said one of said side walls than other side wall , since applicant has not disclosed that said axis being closer to said one of said side walls than other side wall solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said axis of Doherty.

Regarding claim 19, an electrical outlet box having a box interior defined between a first side wall 18 and a second side wall 17 for supporting said electrical fixture within said interior (see fig 1); and a support structure 40 (see figs 1-2) extending from said first side wall for accommodating said communication fixture (see fig 1); said outlet box including electrical fixture mounting members 23,24 being spaced apart along a first axis between and generally parallel to said first and second side walls; but fails to disclose said support structure including communication fixture mounting members being spaced apart along a second axis

Art Unit: 2831

exterior and generally parallel to said first side wall, said first and second axes being generally equidistant from said first side wall; said first axis being non-centrally located between said first and second side walls. Please note that Doherty (6,147,304) teaches the use of a mounting axis (axis for tab 24, see fig 1) in order to mount power outlet 80 (see column 8 lines 16-31). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the supporting structure 40 of the assembly of Doherty with mounting axis in order to mount additional power outlet, further, it would have been an obvious matter of design choice to use said first axis being non-centrally located between said first and second side walls, since applicant has not disclosed that said first axis being non-centrally located between said first and second side walls solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said axis of Doherty. It is noted that the modified assembly of Doherty meet the structural limitations.

5. Claim 10 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Doherty (6,147,304) in view of Hansson (5,568,362).

the modified assembly of Doherty disclose all the features of the claimed invention as shown above, but fails to disclose said first side wall further comprises cable holding flanges.

Hansson teaches the use of a cable holding flange 23 in order to hold cable 18 (see fig 1, column 2 lines 25-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide said first side wall of the modified

Art Unit: 2831

assembly of Doherty with a flange as taught by Hansson in order to hold cables. With respect to flanges. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of flanges, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

***Allowable Subject Matter***

6. Claims 8-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 8-9 are the inclusion therein, in combination as currently claimed, of the limitation of said supporting structure further comprises an upper leg spaced apart from a lower leg, said upper and lower legs connecting said first side wall to a joining strut extending between distal ends of said upper and lower legs.

The previously listed limitations are neither disclosed nor taught by the prior art of record, alone or in combination.

Art Unit: 2831

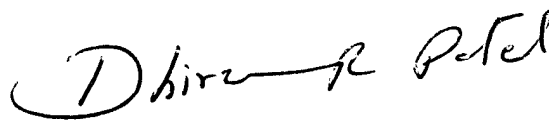
***Other prior art cited***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnston, Schnell et al, Hansen, and Fabian et al disclose a box similar to applicant's claimed invention.

***Contact information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (703) 308 -3748. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard be reached at 703-308-3682. The fax number for this Group is 703-305-3431. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Dhiru Patel  
Patent Examiner  
Group Art Unit 2831  
February 8, 2003

A handwritten signature in cursive script that reads "Dhiru Patel". The signature is written in dark ink and is positioned to the right of the typed name and title.